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Date: JULY 14, 2003

To: EXAMINER TORRES
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Client/Matter No.: DP-306477 (7500/124)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No	DP-308477 (7500/124)
	Application Number	09/997,745
	Filing Date	NOVEMBER 29, 2001
	First Named Inventor	SANJIV G TEWANI
	Group Art Unit	3683
	Examiner	TORRES, M.

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Extension of Time Request (duplic) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, an <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Patent Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entry Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Notice of Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Reply Brief <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below). <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <input checked="" type="checkbox"/> Exhibit A </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <input type="checkbox"/> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <input type="checkbox"/> </div>
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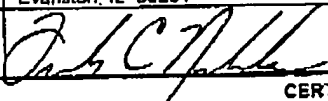
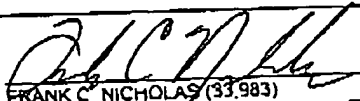
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Indep		Minus		0	x \$42=	0		x \$84=	
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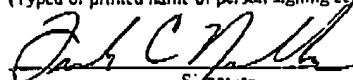
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Firm or individual name	FRANK C NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
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PATENT-APPEAL

Case No.: DP-306477 (7500/124)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**Applicant: SANJIV G. TEWANI, *et al.*

Group Art Unit: 3683

Serial No.: 09/997,745

Examiner: Torres, M.

Filed: NOVEMBER 29, 2001

Title: POWERTRAIN MOUNT WITH FLOATING TRACK

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

The Examiner first argues in his Answer that the claims do not recite that the orifice track accommodates fluid flow, and that this will not be read into the claims from the specification. However, a claim term is given its ordinary meaning, unless the specification alters that meaning. *Gart v. Logitech*, 59 USPQ2d 1290, 254 F.3d 1334, 1341 (Fed. Cir. 2001). The ordinary meaning of "track" is "a course or route followed." Webster's Encyclopedic Unabridged Dictionary of the English Language (1994) (Exhibit A). To the extent that the application modifies this definition, it is to make explicit that fluid follows the "course or route" of the orifice track -- in other words, the common definition that one of ordinary skill in the art would understand.

Entered
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The Examiner also suggests that Lee et al. '279 would still anticipate the claims if "orifice track" is given its ordinary meaning. However, each of the independent claims also recites a "slug having a bore" -- and the interior of the tube 34 cannot be both the "orifice track" and the "bore" of the slug. *In re Bond*, 15 USPQ2d 1566, 910 F.2d 831, 832 (Fed. Cir. 1990) (anticipation requires that "every element of the claimed invention must be identically shown in a single reference.").

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SUMMARY

The final rejection of claims 1-14 should be reversed.


Respectfully submitted,

SANJIV TEWANI, et al.

Date: **July 14, 2003**

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Registration No. 34,228
Attorney/Agent for Applicants

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Attorney for Applicants

Webster's Encyclopedic Unabridged Dictionary of the English Language



The dictionary entries are based on the First Edition of The Random House Dictionary of the English Language

**GRAMERCY BOOKS
NEW YORK/AVENEL**

Applicant: Sanjiv G. Tewani, et al.
Serial No. 09/997,745
Filed: November 29, 2001
Dkt. No. DP-306477 (7500/124)

EXHIBIT A

ACKNOWLEDGMENTS AND PERMISSIONS

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This 1994 edition is published by Gramercy Books,
a division of Lithium Press, Ltd.,
distributed by Random House Value Publishing, Inc.,
40 Engelhard Avenue, Avenel, New Jersey 07001

Random House
New York • Toronto • London • Sydney • Auckland

Printed and bound in the United States of America

Library of Congress Cataloging-in-Publication Data

Webster's encyclopedic unabridged dictionary of the English language -
- New rev. ed.

p. cm.

"The dictionary entries are based on the first edition of *The Random House dictionary of the English language*."

Includes bibliographical references.

1. English language—Dictionaries.

PE1625.W46 1994

423—dc20

93-48137
CIP

Special Value Edition: 0-517-11864-5

8 7 6 5 4 3 2

